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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,989	10/02/2003	Peter Spiess	16565	9067

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EXAMINER

PICO, ERIC E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,989

Applicant(s)

SPIESS, PETER

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4, 8 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/03/2003, 03/01/2004, 08/19/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Figures 1A, 1B, 1C, 2A, and 2B

Species B: Figures 3A and 3B

Species C: Figure 4

Species D: Figures 5A and 5B

Species E: Figure 6

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with William J. Clemens on 09/01/2005 a provisional election was made without traverse to prosecute the invention of Figures 1A, 1B, 1C, 2A, and 2B, claims 1-3, 5-7, and 9-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 8, and 13-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The phrase "at least one guide element and having a portion" Claim 1, Page 12, Line 5 is improper. The office recommends the applicant to omit the word "and" so the amended phrase reads "at least one guide element having a portion." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5, 6, are rejected under 35 U.S.C. 102(e) as being anticipated by Hoare et al. U.S. Patent No. 6807775.

6. Regarding claim 1, Hoare et al. discloses an apparatus for guiding a door leaf 24 of a sliding door 24. Guide elements 40, 42 and a movable belt 32 are disclosed for engaging the guide elements 40, 42 having a portion adapted for contact with a guide surface 38 associated with the door leaf 24. Guide elements 40, 42 mounted to extend generally parallel to a plane of the door leaf 24. The portion of the movable belt 32 contacts the guide surface 38 during sliding of the door leaf 24 relative to the guide surface 38.

7. Regarding claim 2, Hoare et al. further discloses the guide surface 38 disposed in a region of a door frame (not numbered but shown in Figures 1 and 2) for the door leaf 24 and the guide element 40 is attached to the door leaf 24.

8. Regarding claim 5, Hoare et al. further discloses the guide element 40, 42 being a roller rotatably attached to the door leaf 24.

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9. Regarding claim 6, Hoare et al. further discloses the guide element 42 holds the movable belt 32 against the guide surface 38.

10. Regarding claim 7, Hoare et al. further discloses the movable belt 32 seals against the guide surface 38 to prevent air leakage between opposite sides of the door leaf 24.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoare et al. U.S. Patent No. 6807775. Hoare et al. discloses a guide surface 38 and a guide element 40 but is silent concerning the guide surface disposed in the door leaf and the guide element attached to a region of a door frame for the door leaf. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the guide surface in the door leaf and attach the guide element to a region of a door frame for the door leaf in order to simplify the door by locating the driven member 40 on the non-moving frame. It has been held that a mere reversal of the essential working parts of a device involves no more than routine skill in the art. In re Einstein, 8 USPQ 167.

13. Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoare et al. U.S. Patent No. 6807775 in view of Wetzel U.S. Patent No. 4235119.

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14. Regarding claim 9, Hoare et al. is silent concerning a movable belt having resilient properties. Wetzel teaches a movable belt 20 having resilient properties. It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the movable belt disclosed by Hoare et al. with resilient properties taught by Wetzel to facilitate tension on the movable belt.

15. Regarding claim 10, Hoare et al. is silent concerning a movable belt having a laminated structure. Wetzel teaches a movable belt 20 having a laminated structure see Figures 1-3. It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the movable belt disclosed by Hoare et al. with a laminated structure taught by Wetzel to increase the lifespan the of the movable belt.

16. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit U.S. Patent No. 4893435 in view of Hoare et al. U.S. Patent No. 6807775.

17. Regarding claim 11, Shalit discloses a door. The door comprised of door leaves 14, 15. A guide elements 38 extending generally parallel to a plane of the door leaves 14, 15. A movable belt 30 engaging the guide element 38. Shalit is silent concerning a portion of the movable belt adapted for contact with a guide surface during sliding.

Hoare et al. teaches a movable belt 32 engaging guide elements 40, 42 and having a portion adapted for contact with a guide surface 38 during sliding of a door leaf 24 relative to the guide surface 38. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sliding door disclosed by Shalit with a guide surface taught by Hoare et al. to facilitate the alignment of the sliding door during linear movement.

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18. Regarding claim 12, Shalit further discloses another guide element 39 extending generally parallel to the plane of the door leaves 14, 15 and the movable belt 30 being an endless belt engaging the other guide element 39.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saino U.S. Patent No. 3611637, Julian et al. U.S. Patent No. 3798705, Galis U.S. Patent No. 3890744, Gersbeck et al. U.S. Patent No. 4331500, Radek et al. U.S. Patent No. 4674231, Kern et al. U.S. Patent No. 6330763, Engalgau U.S. Patent No. 6854212, and Cameron G.B. Patent No. 2213524.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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